

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00988/2019

DATED THIS THE 24<sup>TH</sup> DAY OF SEPTEMBER, 2019

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

Smt. Gangu Bai Ramesh Manakar, IAS  
W/o Uday  
Aged about 45 years  
Working as Chief Executive Officer  
Zilla Panchayath,  
District Administrative Bldg  
Navanagar, Bagalkot 587 103  
Residing at CEO Qtrs,  
Near DC Office, Navanagar  
Bagalkot 587 103  
(Now under transfer) ..... Applicant  
(By Advocate Shri Ranganatha S. Jois)

Vs.

1. The Union of India,  
Represented by its Secretary  
Department of Personnel & Training  
North Block,  
New Delhi 110 001

2. The Establishment Officer &  
Addl. Secretary, Government of India  
Department of Personnel & Training  
North Block  
New Delhi 110 001

3. The State of Karnataka  
Rep by its Under Secretary to Government  
Department of Personnel & Administrative  
Reforms (Services-I)  
Vidhana Soudha  
Bengaluru 560 001

4. Sri Mohammed Ikramulla Shariff, IAS  
Aged major  
Chief Executive Officer  
Zilla Panchayath, Kolar District  
Kolar 563 101

....Respondents

(By Shri R.B. Sathyanarayana Singh, State Government Standing Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. The matter is in a very small compass. We had taken a view from the very beginning that senior officers should not challenge their transfer as the responsibility under sovereignty rest on the executive government to post whichever officers they want at a particular place. But there are two exceptions. One exception is that when serious malafides are alleged against a very senior person in the governance system and that person is granted an opportunity by making him a party then we will stop and look at it. The second exception is that the Hon'ble Apex Court has held that as far as possible mid-academic session transfer should be avoided if the children are young and in the formative stage. On this also we will stop and look at the issue.

2. In this case the applicant's daughter is studying in 9<sup>th</sup> standard which is without any doubt a formative stage. If she is burdened with a transfer at the moment right now without any doubt it will have a bearing on the daughter's well-being.
3. Therefore, following the Hon'ble Apex Court judgment in this regard we will direct that applicant will be allowed to continue as Chief Executive Officer at Bagalkot till 31<sup>st</sup> of March. On 1<sup>st</sup> of April, she will be shifted out to whichever place the government wants to, if they want to.
4. We will also put in an observation at this point of time that the party respondent who had not appeared may be considered for the post of CEO, Haveri.
5. The OA is disposed as above. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

**Annexures referred to by the applicant in OA No. 170/00988/2019**

Annexure A1: Copy of the order dated 06.08.2018

Annexure A2: Copy of the CTC

Annexure A3: Copy of the order dated 06.09.2019

Annexure A4: Copy of the order dated 07.09.2019

Annexure A5: Copy of the IAS (Fixation of Cadre Strength) Regulations 1955

Annexure A6: Copy of the Indian Administrative Service (Cadre) Rules, 1954

Annexure A7: Copy of the notification dated 28.01.2014

**Annexures referred in reply statement**

Annexure R1: Copy of the Certificate of Transfer of Charge

Annexure R2: Copy of the representation of the applicant

Annexure R3: Copy of the notification dated 21.09.2019

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